

MINUTES OF THE
MAG MANAGEMENT COMMITTEE MEETING
September 10, 2014
MAG Office, Saguaro Room
Phoenix, Arizona

MEMBERS ATTENDING

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| <ul style="list-style-type: none">* Christopher Brady, Mesa
Matt Busby for George Hoffman,
Apache Junction
David Fitzhugh, Avondale# Stephen Cleveland, Buckeye
Gary Neiss, Carefree
Peter Jankowski, Cave Creek
Rich Dlugas, Chandler
Dr. Spencer Isom, El Mirage* Charles Montoya, Florence
Alfonso Rodriguez for Phil Dorchester,
Fort McDowell Yavapai Nation
Ken Buchanan, Fountain Hills
Vacant, Gila Bend* Tina Notah, Gila River Indian Community
Patrick Banger, Gilbert
Brent Stoddard for Brenda S. Fischer,
Glendale# Brian Dalke, Goodyear* Rosemary Arellano, Guadalupe
Sonny Culbreth for Darryl Crossman,
Litchfield Park | <ul style="list-style-type: none"># Gregory Rose, City of Maricopa
Jim Bacon, Paradise Valley
Kevin Tyne for Carl Swenson, Peoria
Ed Zuercher, Phoenix# Greg Stanley, Pinal County
John Kross, Queen Creek* Bryan Meyers, Salt River Pima-Maricopa
Indian Community
Brad Lundahl for Fritz Behring,
Scottsdale* Bob Wingenroth, Surprise
Marge Zylla for Andrew Ching, Tempe
Reyes Medrano, Tolleson
Joshua Wright, Wickenburg# Jeanne Blackman, Youngtown
Scott Omer for John Halikowski,
ADOT
John Hauskins for Tom Manos,
Maricopa County
Jyme Sue McLaren for Steve Banta,
Valley Metro/RPTA |
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- * Those members neither present nor represented by proxy.
Participated by telephone conference call. + Participated by videoconference call.

1. Call to Order

The meeting of the MAG Management Committee was called to order by Acting Chair Dr. Spencer Isom, El Mirage, at 12:01 p.m.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

Mr. Stephen Cleveland, Mr. Gregory Stanley, Mr. Brian Dalke, Ms. Jeanne Blackman, and Mr. Gregory Rose joined the meeting via teleconference.

Acting Chair Isom noted materials at each place: the revised agenda, the revised material for agenda item #5B, and material for agenda items #6, #7 and #8.

Acting Chair Isom noted that hearing assisted devices are available from MAG staff. He announced that public comment cards were available to members of the public who wish to comment. Parking validation was available for those who parked in the MAG parking garage and transit tickets were available for those who purchased transit tickets to come to the meeting.

3. Call to the Audience

Acting Chair Isom stated that Call to the Audience provides an opportunity to the public to address the Management Committee on items that are not on the agenda that are within the jurisdiction of MAG, or non-action agenda items that are on the agenda for discussion or information only. Those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard. Public comments have a three minute time limit. A total of 15 minutes will be provided for the Call to the Audience agenda item, unless the committee requests an exception to this limit.

Acting Chair Isom recognized public comment from Ms. Dianne Barker, who said that climate change raises alarms and people are unprepared for the future. Ms. Barker expressed appreciation for the transit ticket. She stated that multimodalism is good for your health. She spoke of a woman she met, who used to weigh 421 pounds, and is now a size nine as a result of adopting a multimodal lifestyle. Ms. Barker stated that the City of Phoenix approved the MAG dues, and she added her support for this. She stated that Voltaire and Joan Rivers have something in common: freedom of speech. Ms. Barker stated that multimodal feels good. Acting Chair Isom thanked Ms. Barker for her comments.

4. Executive Director's Report

Mr. Dennis Smith, MAG Executive Director, reported on items of interest to the MAG region. Mr. Smith spoke of the sessions staffed by MAG at the League of Arizona Cities and Towns Annual Conference on August 19-22, 2014. He first reported on the Interstate 11/CANAMEX: International Trade and Economic Development session, and he noted that the focus of the session was the corridor's potential economic impact. Mr. Smith stated that constructing the corridor could be expensive, but making improvements to two sections, a bottleneck at SR-189A at Nogales and another one north of Wickenburg, could lead across the Tillman Bridge to Interstate 15 and onward to Canada. Mr. Smith stated that MAG also staffed the Arizona-Sonora Binational Megaregion session, which was moderated by Phoenix Mayor Greg Stanton. Mr. Smith stated that an agreement was signed by Arizona and Sonoran leaders to continue collaboration, and he noted that relationship building is vital to our economy. Mr. Smith stated that MAG leaders have been invited to attend the group's next event, which will take place in Spring 2015 in Rocky Point, Mexico. He extended his compliments to the state's efforts on the relationship between Arizona and Mexico, and acknowledged the work by Margie Emmermann at the Arizona Mexico Commission for many years.

Mr. Smith stated that the Western Regional Alliance Transportation Symposium will take place on September 30, 2014, in Salt Lake City. Mr. Smith stated that Mr. Michael Gallis will present his second report on the Intermountain West. He stated that MAG Regional Council Chair, Youngtown Mayor Michael LeVault, and Phoenix Mayor Greg Stanton will be speaking. Mr. Smith added that Arizona State University also will be at the symposium speaking about the importance of the rail system.

Acting Chair Isom thanked Mr. Smith for his report.

5. Approval of Consent Agenda

Acting Chair Isom stated that agenda items #5A, #5B, and #5C were on the Consent Agenda.

No public comment cards were received.

Acting Chair Isom asked members if they had questions or requests to hear a presentation on any of the Consent Agenda items.

No requests or questions were noted.

Acting Chair Isom called for a motion to recommend approval of Consent Agenda items #5A, #5B, and #5C.

Mr. Ed Zuercher moved, Mr. John Kross seconded, and the motion passed unanimously.

5A. Approval of the August 6, 2014, Meeting Minutes

The MAG Management Committee, by consent, approved the August 6, 2014, meeting minutes.

5B. 2013 MAG Freight Transportation Plan Consultant Contract

The MAG Management Committee, by consent, recommended approval of a new contract with Parsons Brinckerhoff for the 2013 MAG Freight Transportation Plan Consultant (Phase II), for an amount not to exceed \$400,000. The MAG Fiscal Year (FY) 2011 Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2010, included the MAG Freight Transportation Framework Study. In October 2010, the MAG Executive Committee approved the selection of Parsons Brinckerhoff for the first phase of the study. The Request for Proposals for this study included a provision that MAG may, at its discretion, offer an additional contract(s) to the successful respondent to extend the study into an additional phase(s) based on consultant performance and available funding. The MAG FY 2013 Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2012, included \$400,000 for an additional phase for the Freight Framework Study. Due to the ongoing success of phase I and federal regulations requiring additional freight planning in our region, staff recommends initiating a new contract with Parsons Brinckerhoff for this additional phase of the original study, to prepare the 2013 MAG Freight Transportation Plan (phase II) for an amount not to exceed \$400,000. This project was carried forward in the FY 2015 Unified Planning Work Program and Annual Budget, approved by the Regional Council on May 28, 2014.

5C. 2015 Behavior Based Freight Model Development On-Call

The MAG Management Committee, by consent, recommended approval of the list of on-call consultants for the Area of Expertise A (Freight Modeling): Cambridge Systematics, Resource Systems Group, and RS&H, and for Area of Expertise B (Data Collection, Analysis and Management): American Transportation Research Institute, Cambridge Systematics, CDM Smith, Resource Systems Group, and RS&H, for the 2015 Behavior Based Freight Model Development On-Call, for a total amount not to exceed \$350,000. The fiscal year (FY) 2015 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2014, includes \$350,000 for on-call consulting services for the 2015 Behavior Based Freight Model Development On-Call. On February 13, 2014, MAG, the Arizona Department of Transportation and the Pima Association of Governments submitted a joint application for implementation and technical assistance funds in Round 3 of the Federal Highway Administration (FHWA) Strategic Highway Research Program Implementation Assistance Program (SHRP2) (MAG was the lead agency in the Freight Demand Modeling portion of the proposal). On March 28, 2014, FHWA and AASHTO announced that MAG was one of the organizations selected in Round 3 of SHRP2 implementation assistance for freight demand modeling. On June 25, 2014, MAG issued a Request for Qualifications to create an on-call consulting list for the project with two areas of expertise: (A) Freight Modeling; and (B) Data Collection, Analysis and Management. A multi-agency evaluation team reviewed the Statements of Qualifications and recommended to MAG firms be included on a MAG on-call consulting list for the 2015 Behavior Based Freight Model Development On-Call.

6. Arizona Water Quality Management Plan and Streamlining of the 208 Water Quality Management Plan Process

Julie Hoffman, MAG staff, reported on an effort by the Arizona Department of Environmental Quality (ADEQ) to update the State Water Quality Management Plan, which had previously been completed in 1979. As part of that process, ADEQ is also proposing to streamline the 208 Water Quality Management Plan Process. Ms. Hoffman stated that this process is conducted by five councils of governments in Arizona, as well as Yuma, LaPaz and Mohave Counties. She noted that ADEQ is streamlining various processes in order to issue permits faster.

Ms. Hoffman reported that currently, the 208 streamlining approach being proposed by ADEQ would result in the issuance of permits for wastewater treatment facilities without first going through the MAG 208 Process and receiving Regional Council approval. In 1974, MAG was designated by the Governor as the Regional Water Quality Management Planning Agency for Maricopa County in accordance with Section 208 of the Clean Water Act. It is in this capacity that MAG prepares the 208 Water Quality Management Plan.

Ms. Hoffman stated that there are two major elements of the 208 Plan: the Point Source element and the Nonpoint Source element. The Point Source element describes the preferred wastewater treatment system to serve the wastewater treatment needs of the area over a twenty-year time period. The Nonpoint Source element primarily describes the regional surface and groundwater quality, and the federal and state program activities designed to control nonpoint source pollution.

Ms. Hoffman noted that the MAG 208 Plan is the key guiding document used by ADEQ and Maricopa County in granting permits for wastewater treatment plants in the MAG region. Consistency with the 208 Plan is required for the Aquifer Protection Permit and Arizona Pollutant Discharge Elimination System Permit issued by ADEQ. Consistency is also required for the Approval to Construct issued by the Maricopa County Environmental Services Department.

Ms. Hoffman displayed a chart of the wastewater treatment facility permits and approvals that are linked to the MAG 208 Plan. She noted that permits issued by ADEQ that require consistency with the 208 Plan include the Aquifer Protection Permit and the Arizona Pollutant Discharge Elimination System Permit. The Reclaimed Water Permit from ADEQ requires an Aquifer Protection Permit, which needs 208 Plan consistency. Ms. Hoffman noted permits issued by the Arizona Department of Water Resources that require the Aquifer Protection Permit from ADEQ, which needs 208 Plan consistency, including the Underground Storage Facility Permit and the Water Storage Permit. Approvals from Maricopa County that require consistency with the 208 Plan include the Approval to Construct and the Approval of Construction. The Arizona Corporation Commission approval which requires the Aquifer Protection Permit from ADEQ and therefore, consistency with the 208 Plan, includes the Certificate of Convenience and Necessity. Ms. Hoffman noted that the permits and approvals she listed are the ones linked to the 208 Plan, but are not all that are required for the construction and operation of a wastewater treatment facility.

Ms. Hoffman stated that ADEQ is looking to streamline various processes including the 208 Process in order to issue permits faster. The 208 streamlining approach currently proposed by ADEQ would result in the issuance of its permits for new facilities, expansions, or surface water discharges, without first going through the 208 Process and receiving Regional Council approval.

Ms. Hoffman indicated that according to ADEQ, MAG could continue to conduct a 208 process to make the region aware of changes, but it would not be linked to permitting. Ms. Hoffman stated that ADEQ is proposing that MAG include facilities in an inventory that would be used to annually update the 208 Plan. Ms. Hoffman said that meanwhile, ADEQ would be issuing permits for the facilities in the inventory before the facilities become part of the 208 Plan.

Ms. Hoffman stated that ADEQ would no longer use the wastewater treatment configuration identified in the Point Source element of the 208 Plan to determine 208 consistency. Instead, ADEQ would determine consistency based on the 208 Plan goals, processes, and proposed wastewater treatment options table. Ms. Hoffman stated that the options table was designed by ADEQ and included in rural 208 Plans. She noted that a copy of a proposed table was included in the agenda packet. If a new facility is consistent with the options table and the 208 Plan goals and processes, ADEQ would begin to issue the permits. Ms. Hoffman stated that by removing the need to amend the 208 Plan for changes such as new facilities, expansions, surface water discharges, or service area changes, ADEQ would then be able to issue its permits faster.

Ms. Hoffman stated that MAG staff has expressed concern about the current 208 streamlining approach being proposed by ADEQ. She remarked that the streamlining approach would result in facilities being permitted before MAG decides whether or not to include them in the 208 Plan.

Ms. Hoffman noted that this could have unintended consequences when it comes to areas such as reuse, recharge, discharge, and superfund sites that cross jurisdictional boundaries.

Ms. Hoffman stated that the options table may work in the rural areas, but the MAG region is significantly different. This region consists of numerous cities and towns that are back-to-back. Ms. Hoffman stated that the MAG 208 Process provides an opportunity to review facilities and discharges for environmental impacts on a regional basis, before permits are issued. In addition, MAG has made efforts to streamline the MAG 208 Plan Amendment and Small Plant Review and Approval Processes.

Ms. Hoffman displayed a graphic of the MAG 208 Water Quality Management Plan Amendment Process. She noted that the MAG process is typically conducted in six months or less. First, the jurisdiction in which the facility will be located requests an amendment to the MAG 208 Plan. Once the amendment is ready, a meeting of the Water Quality Advisory Committee is called. She explained that this committee meets as needed so there is no delay waiting for the next scheduled meeting.

Ms. Hoffman stated that the Water Quality Advisory Committee reviews the amendment and authorizes a public hearing, which, according to federal regulations, must be advertised 45 days in advance. She explained that to expedite the process, the Committee conducts the public hearing and makes a recommendation to the Management Committee at the same meeting.

Ms. Hoffman stated that the Management Committee makes a recommendation to the Regional Council and the Regional Council takes action on the amendment. Following Regional Council action, the State Water Quality Management Working Group makes a recommendation to ADEQ. ADEQ certifies the amendment is consistent with the State 208 Plan and MAG 208 Plan and submits it to the Environmental Protection Agency for approval.

Ms. Hoffman stated that MAG also has the Small Plant Review and Approval Process which is for facilities with an ultimate capacity of two million gallons per day or less, with no surface water discharge. Ms. Hoffman stated that this MAG process is shorter, taking approximately one-and-one-half months. First, the jurisdiction in which the facility will be located makes the request. Then the MAG Water Quality Advisory Committee reviews the small plant and makes a recommendation to the Management Committee. There is no public hearing. Ms. Hoffman stated that the Management Committee reviews the recommendation and makes a recommendation to the Regional Council who takes official action on the small plant. ADEQ certifies consistency with the State 208 Plan and MAG 208 Plan. Upon the approval letter from ADEQ, the developer submits plans and specifications, and a copy of the approved design concept to the Maricopa County Environmental Services Department for review and issuance of the Approval to Construct.

Ms. Hoffman stated that ADEQ is in the process of incorporating comments into the wastewater treatment options table and revising goals and objectives for the Arizona Water Quality Management Plan. She noted that there have been different 208 streamlining options presented, however, the options have not preserved local control. Ms. Hoffman said that MAG is requesting comments today in support of the 208 Process that can be conveyed to ADEQ. It is anticipated

that ADEQ will continue discussions on its proposed 208 streamlining approach at the State Water Quality Management Working Group meeting on October 14, 2014.

Acting Chair Isom thanked Ms. Hoffman for her report and asked members if they had questions.

Mr. Reyes Medrano asked if the majority of requests to amend the 208 Plan is for smaller plants that process two million gallons per day or less. Ms. Hoffman replied that the MAG 208 Plan includes a variety of plants. She added that since 2002, MAG processed twenty-two 208 amendments and six small plant reviews and approvals.

Mr. Medrano asked for clarification that under the proposed streamlining approach, ADEQ would determine compliance with the 208 process, but would not adhere to the 208 requirements, for example, notifying impacted cities within three miles of a proposed service area. Ms. Hoffman replied that ADEQ would determine consistency based on the options table, goals and processes, not on the wastewater treatment configuration identified in the 208 Plan. As long as there is consistency with the options table, goals and process identified in the 208 Plan, ADEQ would proceed with permitting the facility. Ms. Hoffman stated that MAG could continue to conduct its process, but it would not be tied to the permitting. She added that potentially, a facility could be permitted prior to being included in the 208 Plan by the MAG Regional Council.

Mr. Josh Wright asked if there is an appeals process at MAG if a jurisdiction goes through the 208 amendment process and is not successful. Ms. Hoffman stated that a recommendation to deny a 208 amendment by the MAG Water Quality Advisory Committee would go to the MAG Management Committee. If the Management Committee recommended denying the 208 amendment, that recommendation would go the MAG Regional Council. If the MAG Regional Council denied a 208 amendment, that action would then be sent to ADEQ.

Mr. Patrick Banger commented that he thought allowing permits to be issued ahead of formal approval creates problems for projects that could then be denied, especially if significant funds have been expended in the design and construction. Mr. Banger noted that there are legal interpretations to consider; judges are sometimes loathe to overturn a decision when a substantial amount of money has been expended. Mr. Banger stated that in effect, the permit issue would be the final say and cities and towns would lose their voice on these projects. He remarked that some are straightforward with very few issues, but some have substantial issues. Mr. Banger noted that everyone has concerns for timeframes, but to lose the input of cities and towns would have severe repercussions.

Mr. Brent Stoddard commented that in 1974, when MAG was designated by the Governor as the Regional Water Quality Management Planning Agency for Maricopa County, it was a victory for cities and towns because it gave them the ability to control their own destiny when it came to water and it would not be in the hands of others. Mr. Stoddard stated that any efforts at the state level, the development community, or the Legislature to water down control of this precious resource that is critical to the development and smart planning of communities should be opposed. He mentioned discussions on tightening up the process and increasing communication at the forefront so the development community does not feel it is meeting with a roadblock. Mr. Stoddard expressed that he felt there were things MAG could do to increase efficiency of the

process, but handing over that responsibility or giving up the ability to control that resource would not be in the best interest of the state or jurisdictions.

Mr. John Hauskins suggested that a two-step process might be possible. He stated that a cursory or quick review would allow design, but restrict construction before final approval is received. Mr. Hauskins noted that this could result in not delaying planning and design.

Mr. Dennis Smith referenced Mr. Medrano's question that under the proposed ADEQ 208 streamlining process the notification process conducted by MAG would be eliminated, no public hearings would be held and the public would not be aware. Mr. Smith stated that a 208 amendment might seem simple at first, but issues can be revealed during a public hearing. He gave as an example, a surrounding jurisdiction might indicate it has a Superfund site where another jurisdiction is planning to recharge, which could affect the plume. Mr. Smith remarked that unless there is a deliberative process, there is a risk of putting a lot of money into a treatment plant that could be harmful. Mr. Smith added that even though it is a six-month process, he felt it had a lot of value and is the precursor to all development. He explained how the Management Committee created the 208 process in 1975, and 208 amendments and Small Plant Review and Approvals go through the Management Committee because its members know their jurisdiction's development plans. Mr. Smith noted that MAG is not opposed to working with ADEQ, it just wants to keep the cities and towns involved in the 208 process. He stated that one option might be to bifurcate the 208 process between urban and rural areas. Mr. Smith noted that rural areas do not have back-to-back cities, nor do they have a lot of development.

Ms. Lindy Bauer, MAG Environmental Director, provided an update on the reasons for the streamlining. She noted that Henry Darwin, the ADEQ Director, testified on streamlining to Congress. Ms. Bauer stated that Mr. Darwin testified that his department's funding had been removed from the State General Fund, and currently, 85 percent of the agency's funding comes from services and fees, such as permitting fees. She added that Mr. Darwin indicated that even though this was a shakeup, it caused his department to be more streamlined in order to be more responsive to its customers – the regulated community. Ms. Bauer stated that ADEQ has been streamlining all of its permits.

Mr. Smith stated that ADEQ is looking at this from a customer basis to get this through the process quickly and MAG is looking at this from a regulatory developmental phasing perspective. He asked Ms. Bauer to describe how the Aquifer Protection Permit was linked to the 208 process.

Ms. Bauer stated that years ago, ADEQ would not start the permitting process until consistency with Areawide Water Quality Management Plans was assured. She added that this is directly from the Clean Water Act and federal regulations. Ms. Bauer stated that unified water rules were developed by ADEQ in an effort to streamline. She noted that the Groundwater Management Act, with its attention on the importance of recharge and reuse of wastewater, also came about, and ADEQ had the Aquifer Protection Permit. Ms. Bauer noted that in streamlining the process, the ADEQ took consistency with the 208 Plan and made it a step in the Aquifer Protection Permit process. She stated that ADEQ envisioned that the Aquifer Protection Permit would be the cornerstone of all of their water permits and that is why the Aquifer Protection Permit and the 208 process are linked. Ms. Bauer stated that the Legislature also established licensing timeframes for

permits. She noted that at the time, ADEQ thought it was streamlining the process, but it actually was lengthened.

Mr. Smith stated that one possible solution is to separate the Aquifer Protection Permit and the 208 Process.

Ms. Bauer commented on licensing timeframes. She stated that if the 208 is pulled out of the Aquifer Protection Permit Process, when an applicant comes in to apply for an Aquifer Protection Permit, ADEQ would start the clock. The ADEQ would not have to include the 208 Plan consistency in the Aquifer Protection Permit timeline.

Mr. David Fitzhugh stated that many jurisdictions have strip-annexed land in their planning areas and all of their plans include these strip-annexed properties to be developed in the future. He asked how the new process would work if a developer submitted an application for development to Maricopa County, and a city or town was not in a position to expand its wastewater treatment plant, would the developer be eligible to get permitted through ADEQ?

Ms. Bauer replied yes, under the proposed ADEQ scenario, an applicant could get a permit before a city/town and the county could work things out. She explained that the MAG 208 Plan defines the wastewater service area as the municipal planning area, which includes the incorporated and strip annexed areas.

Mr. Smith noted that currently, a developer who wants to add a facility to an unincorporated area within a municipal planning area would need a letter from the city/town and the county.

Mr. Alfonso Rodriguez stated that the Fort McDowell Yavapai Nation is in a semi-rural area and is located on the other side of Fountain Hills. He referenced the process his community went through a few years ago. Mr. Rodriguez stated that it was through MAG's support that helped them arrive at a proper position against a particular development that concerned the community with regard to the water table. He stated that MAG helped Fort McDowell to come out of that process favorably.

Mr. Smith asked Ms. Bauer to report on the development referenced by Mr. Rodriguez. Ms. Bauer stated that the development was called Goldfield. She stated that issues were identified through the MAG 208 process. Most of the issues were worked out, and the remaining issues were addressed in the Regional Council motion contingent upon the issues being resolved by the permitting agencies, especially with regard to recharge and drinking water concerns.

Mr. Stephen Cleveland stated that a number of comments have been made and keeping MAG's authority is very important. He asked how MAG would communicate these concerns, along with additional comments.

Mr. Smith replied that Ms. Hoffman would be representing MAG at the State Water Quality Management Working Group meeting on October 14, 2014. Ms. Hoffman stated that the comments will be put into a letter and conveyed to ADEQ at the meeting.

Mr. Cleveland asked there was a timeframe for submitting comments. Ms. Hoffman replied that they would incorporate comments submitted prior to the October 14 meeting.

Mr. Ed Zuercher expressed support for the comments made today. He stated that the 208 process is fundamental to jurisdictions' ability to manage and control development and environmental quality within their borders. Mr. Zuercher stated that defending this process is important. He remarked if there is an issue in rural Arizona that can be addressed through a separate process, so be it. He thanked MAG for having this on the agenda and he supported the comments made by his colleagues.

Mr. Medrano echoed Mr. Zuercher's comments. He stated that Tolleson has one of the larger wastewater treatment facilities in the state. Mr. Medrano stated that it is important to note ongoing coordination efforts through the West Valley Central Arizona Project Subcontractors (WESTCAPS) in the West Valley to identify existing facilities and opportunities to maximize public dollars. He reported that WESTCAPS kicked off its West Salt River Basin Study the day before and will be a significant effort at \$1.6 million.

Acting Chair Isom thanked everyone for their comments, which will all be included in the record.

7. Arizona Center for Law in the Public Interest Petition for Review of the EPA Approval of the MAG 2012 Five Percent Plan for PM-10

Lindy Bauer, MAG staff, stated that on June 10, 2014, the Environmental Protection Agency (EPA) published final approval of the MAG 2012 Five Percent Plan for PM-10, with an effective date of July 10, 2014. She explained that on August 20, 2014, the EPA notified MAG that the Arizona Center for Law in the Public Interest (Center) filed a petition to challenge EPA's approval of the MAG 2012 Five Percent Plan for PM-10 in the U.S. Ninth Circuit Court of Appeals. Ms. Bauer reported that the Center's brief is due October 17, 2014, and EPA's brief is due November 17, 2014.

Ms. Bauer noted that the Center indicated in its lawsuit that its most significant issue is the reliance upon the EPA Exceptional Events Rule to demonstrate attainment of the standard. Ms. Bauer stated that the Center contends that the EPA has abused its discretionary authority. She added that there could be additional issues, and staff will brief members as issues are identified.

Ms. Bauer stated that on August 28, 2014, the Arizona Department of Environmental Quality submitted a motion to intervene on behalf of EPA in this lawsuit. She noted that a copy of the motion was at each place. Ms. Bauer added that MAG staff will continue to update members as new information becomes available.

Acting Chair Isom thanked Ms. Bauer for her report. No questions from the committee were noted.

8. Coordinating to Save Lives: A Regional Response to Domestic Violence

Amy St. Peter, MAG staff, stated that the purpose of this presentation was to request support on a STOP grant that funds the MAG Domestic Violence Protocol Evaluation Project and to invite members to send information about their planned activities that could be included in the Domestic Violence Awareness month events calendar.

Ms. St. Peter stated that a MAG survey reported that 40 percent of people living in the Valley know someone personally who has been a victim of domestic violence. She then played a 9-1-1 recording, where the woman was able to call the police as soon as she saw her abuser in the parking lot because her order of protection had been served. Ms. St. Peter stated that the abuser killed her roommate, but police were able to come to her aid before her abuser shot her. She added that keeping people safe takes much coordination.

Ms. St. Peter stated that domestic violence impacts individuals as well as the criminal justice system. In 2010 in Maricopa County, there were 12,560 domestic violence cases. The most common outcome of these cases is court dismissal and the most common sentence is probation.

Ms. St. Peter stated that the Protocol Evaluation Project was developed in 2010 to improve these outcomes. Over the past four years, through collaboration with law enforcement agencies, prosecutors, and victim advocates, the region's first domestic violence misdemeanor protocol was developed. Ms. St. Peter stated that this past year, MAG has been working with the Maricopa County Attorney's Office to update the felony protocol manual to improve the way domestic violence cases are transferred between the county and cities and towns.

Ms. St. Peter encouraged members to sign a Memorandum of Understanding and providing letters of participation to be included in the grant request that will be submitted by September 26, 2014. Mr. Smith commented on how expensive domestic violence cases are for cities and towns. He said that cases get dropped and perpetrators cycle through over and over. He added that domestic violence calls are very dangerous for police officers. Ms. St. Peter introduced Ms. Hilary Weinberg, Bureau Chief from the Maricopa County Prosecutor's Office, to continue the presentation.

Ms. Weinberg stated that child abuse, elder abuse, and aggravated domestic violence cases are cycled through her office. She noted that approximately 15 attorneys work in her division. Ms. Weinberg stated that the goal for the grant is to implement a seamless transfer of cases between the Maricopa County Attorney's Office and cities and towns. She emphasized that a city needs to provide prior domestic violence conviction records to her office if they want felony charges pursued for a suspect. Ms. Weinberg explained that it takes time to assemble arrest records if the suspect has domestic violence arrests in multiple jurisdictions, but her office needs to see those records. She said they want to get the records quickly because any delay provides the suspect an opportunity to be released from jail and further endanger the victim. Ms. Weinberg stated that filing felony charges is hindered because her office is not getting the prior conviction records soon enough.

Ms. Weinberg stated that there is also a delay when her office feels that a felony conviction is unlikely and they want to send a case back to a city or town. She stated that the goal is to compile the documentation and submit it to a city prosecutor before a suspect is released from jail and can pose a risk to the victim. Ms. Weinberg stated that they currently rely on telephone calls, emails, and facsimiles to communicate, but the process does not work fast enough and delays are dangerous for victims.

Ms. Weinberg stated that improved communication between the Maricopa County Attorney's Office and cities and towns is one of the goals of the grant. This could be accomplished with an online system that would accommodate looking up a suspect's past arrest records to determine if charges will qualify for felony or misdemeanor charges. Ms. Weinberg stated that this will improve community safety.

Ms. St. Peter stated that this work is critically important to saving lives. She noted that in 2012, 139 people in Arizona died from domestic violence. Ms. St. Peter stated that 39 percent of all female homicides are committed by a domestic violence abuser and 70 percent of the time, these women are killed when they are attempting to leave. She said that the outcome can be changed by working together.

Ms. St. Peter requested that agencies submit their Domestic Violence Awareness Month calendar of events to be included on the MAG regional Domestic Violence Awareness Month calendar. She noted that the submission form was at each place. Ms. St. Peter stated that the calendar will be distributed at the annual Domestic Violence Awareness Month press conference on October 7, 2014, at 9:00am at the ASU College of Law mock courtroom in Tempe. She added that everyone is invited to attend that event.

Acting Chair Isom thanked Ms. Weinberg and Ms. St. Peter and asked members if they had questions.

Mr. John Kross stated that the Town of Queen Creek contracts with the Maricopa County Sheriff's Office. He asked the level of participation countywide, not limited to Queen Creek. Ms. St. Peter stated that MAG would like to increase its work with the Sheriff's Office on this issue.

Mr. Zuercher expressed his appreciation to Ms. St. Peter and he noted that City of Phoenix staff has been involved in this issue. Mr. Zuercher encouraged members to engage in this issue if possible. He commented on the significant costs and the dangers associated with domestic violence, not only to victims, but also to jurisdictions, because it is one of the most dangerous situations for their police and fire personnel.

Mr. Smith asked Ms. St. Peter to describe efforts to increase outreach to police departments. Ms. St. Peter stated that MAG met with the Maricopa County Attorney's Office to examine felony protocols and determine if any improvements could be made. She noted that three community meetings on this topic have been scheduled. The first meeting was held on September 9 in Mesa and upcoming meetings include September 23 at 10:00 a.m. at MAG and September 30 at 10:00 a.m. at the Southwest Family Advocacy Center in Goodyear. Ms. St. Peter stated that she could add the Management Committee to notifications about domestic violence trainings and activities.

Mr. Rodriguez asked if counseling activities were a part of the grant. Ms. St. Peter replied that the focus of their project was the arrest and prosecution of a suspect and working with victim advocates, as MAG is more of a planning agency than a direct service agency. She noted that federally, the STOP grant now allows prevention activities.

Mr. Gregory Rose asked if this project could extend to Pinal County and its municipalities. Ms. St. Peter replied that MAG has been working with Chief Stahl. She said they are applying through the urban statewide category and will be able to work with any city, town, or Indian community within the MAG region.

Mr. Jim Bacon stated that the way to change perceptions is to play recordings like the one played at the meeting that domestic violence is real and people are being hurt and killed. These types of useful communications could help reverse the statistics.

9. Legislative Update

Acting Chair Isom noted that there was no report.

10. Request for Future Agenda Items

Topics or issues of interest that the Management Committee would like to have considered for discussion at a future meeting were requested.

Acting Chair Isom noted that the election of a Vice Chair would be on a future agenda. He noted that the West Valley will work to identify an individual.

11. Comments from the Committee

An opportunity was provided for Management Committee members to present a brief summary of current events. The Management Committee is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is properly noticed for legal action.

Mr. Smith expressed his appreciation to ADOT for their monumental efforts on the freeway system during the recent heavy rains that fell Valleywide.

Adjournment

There being no further business, the meeting was adjourned at 1:05 p.m.

Chair

Secretary